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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

JASON PETER FRANK,

Defendant and Appellant.

A136472

(Marin County  
Super. Ct. No. SC179147A)

Appellant Jason Peter Frank was found guilty by a jury of violating Vehicle Code section 2800.2, subdivision (a) (evading a peace officer with reckless driving), and admitted a prior strike (Pen. Code, § 1170.12, subd. (c)(1)), and a prior prison term (Pen. Code, § 667.5, subd. (b)). Probation was denied and he was sentenced to the aggravated term of three years, doubled to six years for the strike, plus one year for the state prison prior, for an aggregate term of seven years in state prison.

On October 12, 2011, general contractor Michael McCurdy was working in the yard of a residence in San Rafael. He saw a vehicle pull up near his truck and saw the driver of that vehicle, subsequently identified as appellant, get out and walk toward McCurdy's truck. McCurdy approached appellant and asked "Can I help you?" Appellant was holding McCurdy's Global Positioning Satellite (GPS) device in his hand. Appellant said nothing, tossed McCurdy's GPS into the bed of McCurdy's truck; got into his own vehicle; and drove off. When McCurdy realized what had happened, he recorded the license plate number of appellant's vehicle. McCurdy asked a homeowner to call the police.

Officer Marc LaPlante responded to the call and ran the license plate, which came back to appellant Jason Frank, as the registered owner. LaPlante returned to the station and assembled a photo lineup, which included appellant's photo. The photo lineup was shown to McCurdy, who immediately identified appellant as the person attempting to take the GPS.

Having heard the report concerning the possible car burglary, Officer Blair Auld saw appellant driving the described vehicle on Second Street in San Rafael. Auld activated his car's lights and siren. Thereafter, there followed a high-speed chase with appellant's vehicle running six red lights and one stop sign, exceeding the speed limit, and driving on the wrong side of the road several times. When appellant drove up an off ramp, Auld broke off the pursuit because it was too dangerous. Appellant was eventually apprehended and charged.

Appellant's counsel has filed an opening brief raising no issues and asking this Court for an independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. He has been advised by counsel of the opportunity to file a supplemental brief, but appellant has not done so. We have conducted the requested review and conclude that there are no arguable issues.

Appellant was represented throughout the proceeding by counsel. The evidence is sufficient to support the jury's verdict. There was no sentencing error. The judgment is affirmed.

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REARDON, J.

We concur:

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RUVOLO, P. J.

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HUMES, J.